

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ROYCE EMERY RUSSELL

Plaintiff,

V.

**EARNEST RAY HILDRETH,
LION OIL TRUCKING,
LION OIL COMPANY, and
DELEK US HOLDINGS, INC.**

Defendants.

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CASE NO. 2:16-CV-00042-JRG

JURY

**JOINT MOTION TO EXTEND THE DEADLINE
TO SUBMIT SETTLEMENT DOCUMENTS TO THE COURT**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COME Plaintiff, Royce Emery Russell (hereinafter referred to as “Plaintiff”), and Defendants, Earnest Ray Hildreth, Lion Oil Trucking, Lion Oil Company, and Delek US Holdings, Inc., (hereinafter referred to as “Defendants”) and file this their Joint Motion to Extend the Deadline to Submit Settlement Documents to the Court, and in support thereof, respectfully show unto the Court as follows:

**I.
BACKGROUND**

1. Plaintiff filed suit against Defendants on January 14, 2016 regarding a motor vehicle accident. Plaintiff then amended its Complaint on May 27, 2016 and again on July 13, 2016.

2. The Court entered its Docket Control Order (hereinafter referred to as the “DCO”)

on May 5, 2016 (Dkt. No. 12) and thereby set applicable deadlines and a trial setting.

3. On October 6, 2016 both Parties filed their Joint Motion to Stay all Deadlines and Notice of Settlement to the Court (Dkt. No. 54).

4. Afterwards, On October 7, 2016, the Court issued its Order (Dkt. No. 55) and stayed all deadlines and Ordered all closing documents to be filed on or before the expiration of the fourteenth day from the date of entry of its Order. The fourteenth day is October 21, 2016.

5. Plaintiff and Defendants have not finalized the settlement documents and will not have the settlement documents finalized by October 21, 2016. Therefore, all Parties respectfully request an extension for the deadline to submit settlement documents to the Court.

II.

SETTLEMENT AND EXTENSION TO SUBMIT SETTLEMENT DOCUMENTS

6. As stated previously, all matters in controversy between the Parties have been settled, in principle.

7. Although both Parties originally request fourteen (14) days to submit the appropriate settlement documents and dismissal papers, neither party anticipated a holdup in finalizing the structure of the structured annuity for the settlement funds.

8. In light of the recent developments regarding the structure of the structured annuity, Plaintiff and Defendants request an extension of the deadline to submit the settlement documents and appropriate dismissal papers.

9. Plaintiff and Defendants jointly request an extension for a period of fourteen (14) days from the date the Court enters its Order so all Parties may finalize the settlement and appropriate dismissal papers may be entered.

III.
CONCLUSION AND PRAYER

All matters in controversy between the Parties have been settled, in principle, and Plaintiff and Defendants request that this Court extend the deadline to submit the settlement documents and appropriate dismissal papers.

WHEREFORE, PREMISES CONSIDERED, Defendants ask this Court to grant this Joint Motion to Extend the Deadline to Submit Settlement Documents to the Court and allow an additional fourteen (14) days for entry of the settlement papers and dismissal documents, and for such other and further relief to which the Parties may be justly entitled, general and special, at law and at equity.

Respectfully submitted,

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/s/ **Stuart R. Hene**

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ATTORNEY FOR PLAINTIFF

ROYCE EMERY RUSSELL

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record are being served a copy of this document by electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3) on October 20, 2016.

/s/ *Stuart R. Hene*

Stuart R. Hene